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[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

SURGICAL INSTRUMENT SERVICE  
 COMPANY, INC.,  
 Plaintiff/Counterclaim-Defendant,  
 vs.  
 INTUITIVE SURGICAL, INC.,  
 Defendant/Counterclaimant.

Case No.: 3:21-CV-03496-AMO-LB

**DEFENDANT'S NOTICE OF RE-FILING  
 MATERIALS SUBJECT TO THE COURT'S  
 OMNIBUS SEALING ORDER**

Judge: The Honorable Araceli Martínez-Olguín

In response to the Court's May 3, 2024 Order (ECF No. 221) endorsing the Parties' stipulation to re-file materials they filed provisionally under seal, Intuitive Surgical is hereby filing public versions of the documents listed below, which Intuitive provisionally filed under seal. Intuitive has removed or modified redactions to these documents as necessary to conform to the Court's April 1, 2024 Omnibus Sealing Order (ECF No. 205).

| Att. No. | Brief                                 | Exhibit No. | Original Docket No. | Originally Filed Under Seal/Redacted | Currently Redacted/Public |
|----------|---------------------------------------|-------------|---------------------|--------------------------------------|---------------------------|
| 1        | Sargent Daubert Motion - ECF No. 117  |             | 117                 | Redacted                             | Public                    |
| 2        |                                       | Exhibit 1   | 117.2               | Sealed                               | Public                    |
| 3        |                                       | Exhibit 2   | 117.3               | Sealed                               | Public                    |
| 4        |                                       | Exhibit 3   | 117.4               | Sealed                               | Public                    |
| 5        |                                       | Exhibit 4   | 117.5               | Sealed                               | Public                    |
| 6        |                                       | Exhibit 6   | 117.7               | Sealed                               | Public                    |
| 7        |                                       | Exhibit 9   | 117.10              | Redacted                             | Redacted                  |
| 8        |                                       | Exhibit 10  | 117.11              | Sealed                               | Public                    |
| 9        | Humphrey Daubert Motion - ECF No. 118 |             | 118                 | Redacted                             | Public                    |
| 10       |                                       | Exhibit 4   | 118.5               | Redacted                             | Redacted                  |
| 11       |                                       | Exhibit 6   | 118.7               | Sealed                               | Public                    |
| 12       |                                       | Exhibit 7   | 118.8               | Sealed                               | Public                    |
| 13       |                                       | Exhibit 8   | 118.9               | Sealed                               | Public                    |
| 14       |                                       | Exhibit 9   | 118.10              | Sealed                               | Redacted                  |
| 15       |                                       | Exhibit 10  | 118.11              | Sealed                               | Redacted                  |
| 16       |                                       | Exhibit 11  | 118.12              | Sealed                               | Redacted                  |
| 17       |                                       | Exhibit 12  | 118.13              | Sealed                               | Redacted                  |
| 18       | Mahal Daubert Motion - ECF No. 119    |             | 119                 | Redacted                             | Public                    |
| 19       |                                       | Exhibit 1   | 119.2               | Sealed                               | Public                    |
| 20       |                                       | Exhibit 2   | 119.3               | Sealed                               | Public                    |
| 21       |                                       | Exhibit 3   | 119.4               | Sealed                               | Public                    |
| 22       |                                       | Exhibit 4   | 119.5               | Redacted                             | Redacted                  |

| Att. No. | Brief                                | Exhibit No. | Original Docket No. | Originally Filed Under Seal/Redacted | Currently Redacted/Public |
|----------|--------------------------------------|-------------|---------------------|--------------------------------------|---------------------------|
| 23       | Parnell Daubert Motion - ECF No. 120 |             | 120                 | Redacted                             | Public                    |
| 24       |                                      | Exhibit 1   | 120.2               | Sealed                               | Redacted                  |
| 25       |                                      | Exhibit 2   | 120.3               | Sealed                               | Redacted                  |
| 26       |                                      | Exhibit 3   | 120.4               | Sealed                               | Public                    |
| 27       |                                      | Exhibit 4   | 120.5               | Sealed                               | Public                    |
| 28       |                                      | Exhibit 6   | 120.7               | Sealed                               | Public                    |
| 29       |                                      | Exhibit 8   | 120.9               | Redacted                             | Redacted                  |
| 30       |                                      | Exhibit 9   | 120.10              | Redacted                             | Redacted                  |
| 31       |                                      | Exhibit 10  | 120.11              | Redacted                             | Public                    |
| 32       |                                      | Exhibit 12  | 120.13              | Sealed                               | Public                    |
| 33       | Phillips Daubert - ECF No. 121       |             | 121                 | Sealed                               | Public                    |
| 34       |                                      | Exhibit 1   | 121.2               | Sealed                               | Public                    |
| 35       |                                      | Exhibit 2   | 121.3               | Sealed                               | Public                    |
| 36       |                                      | Exhibit 3   | 121.4               | Sealed                               | Public                    |
| 37       |                                      | Exhibit 4   | 121.5               | Redacted                             | Redacted                  |
| 38       |                                      | Exhibit 5   | 121.6               | Sealed                               | Public                    |
| 39       |                                      | Exhibit 8   | 121.9               | Sealed                               | Public                    |
| 40       |                                      | Exhibit 9   | 121.10              | Sealed                               | Public                    |
| 41       |                                      | Exhibit 10  | 121.11              | Sealed                               | Public                    |
| 42       |                                      | Exhibit 11  | 121.12              | Redacted                             | Public                    |
| 43       |                                      | Exhibit 12  | 121.13              | Sealed                               | Public                    |
| 44       | Bero Daubert Motion - ECF No. 126    |             | 126                 | Redacted                             | Public                    |
| 45       |                                      | Exhibit 1   | 126.2               | Sealed                               | Redacted                  |
| 46       |                                      | Exhibit 2   | 126.3               | Sealed                               | Public                    |
| 47       |                                      | Exhibit 3   | 126.4               | Redacted                             | Redacted                  |
| 48       |                                      | Exhibit 4   | 126.5               | Sealed                               | Redacted                  |
| 49       |                                      | Exhibit 5   | 126.6               | Sealed                               | Redacted                  |
| 50       |                                      | Exhibit 6   | 126.7               | Sealed                               | Public                    |
| 51       |                                      | Exhibit 7   | 126.8               | Sealed                               | Public                    |
| 52       |                                      | Exhibit 8   | 126.9               | Sealed                               | Public                    |

| Att. No. | Brief   | Exhibit No.       | Original Docket No. | Originally Filed Under Seal/Redacted | Currently Redacted/Public |
|----------|---|-------------------|---------------------|--------------------------------------|---------------------------|
| 53       | Lamb Daubert Motion - ECF No. 129                         |                   | 129                 | Redacted                             | Public                    |
| 54       |   | Exhibit 1         | 129.2               | Sealed                               | Public                    |
| 55       |   | Exhibit 2         | 129.3               | Redacted                             | Public                    |
| 56       |   | Exhibit 3         | 129.4               | Sealed                               | Public                    |
| 57       | Opposition to Plaintiff's MSJ and Cross-MSJ - ECF No. 137 |                   | 137                 | Redacted                             | Redacted                  |
| 58       |   | Smith Dec. Ex. 1  | 137.6               | Redacted                             | Public                    |
| 59       |   | Cahoy Dec. Ex. 10 | 137.13              | Redacted                             | Redacted                  |
| 60       |   | Cahoy Dec. Ex. 11 | 137.14              | Sealed                               | Public                    |
| 61       |   | Cahoy Dec. Ex. 12 | 137.15              | Sealed                               | Public                    |
| 62       |   | Cahoy Dec. Ex. 13 | 137.16              | Sealed                               | Public                    |
| 63       |   | Cahoy Dec. Ex. 16 | 137.19              | Sealed                               | Public                    |
| 64       |   | Cahoy Dec. Ex. 21 | 137.24              | Sealed                               | Public                    |
| 65       |   | Cahoy Dec. Ex. 22 | 137.25              | Sealed                               | Public                    |
| 66       |   | Cahoy Dec. Ex. 23 | 137.26              | Sealed                               | Public                    |
| 67       |   | Cahoy Dec. Ex. 24 | 137.27              | Sealed                               | Public                    |
| 68       |   | Cahoy Dec. Ex. 27 | 137.30              | Sealed                               | Public                    |

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|----------|-------|-------------------|---------------------|--------------------------------------|---------------------------|
| 69       |       | Cahoy Dec. Ex. 28 | 137.31              | Sealed                               | Public                    |
| 70       |       | Cahoy Dec. Ex. 29 | 137.32              | Sealed                               | Public                    |
| 71       |       | Cahoy Dec. Ex. 30 | 137.33              | Sealed                               | Public                    |
| 72       |       | Cahoy Dec. Ex. 31 | 137.34              | Sealed                               | Public                    |
| 73       |       | Cahoy Dec. Ex. 32 | 137.35              | Sealed                               | Public                    |
| 74       |       | Cahoy Dec. Ex. 34 | 137.36              | Sealed                               | Public                    |
| 75       |       | Cahoy Dec. Ex. 35 | 137.37              | Sealed                               | Public                    |
| 76       |       | Cahoy Dec. Ex. 36 | 137.38              | Sealed                               | Public                    |
| 77       |       | Cahoy Dec. Ex. 37 | 137.39              | Sealed                               | Public                    |
| 78       |       | Cahoy Dec. Ex. 39 | 137.41              | Redacted                             | Redacted                  |
| 79       |       | Cahoy Dec. Ex. 40 | 137.42              | Sealed                               | Public                    |
| 80       |       | Cahoy Dec. Ex. 47 | 137.45              | Sealed                               | Public                    |
| 81       |       | Cahoy Dec. Ex. 51 | 137.46              | Redacted                             | Public                    |
| 82       |       | Cahoy Dec. Ex. 75 | 137.54              | Redacted                             | Redacted                  |

| Att. No. | Brief                                | Exhibit No.       | Original Docket No. | Originally Filed Under Seal/Redacted | Currently Redacted/Public |
|----------|--------------------------------------|-------------------|---------------------|--------------------------------------|---------------------------|
| 83       |                                      | Cahoy Dec. Ex. 76 | 137.55              | Redacted                             | Public                    |
| 84       |                                      | Cahoy Dec. Ex. 77 | 137.56              | Sealed                               | Public                    |
| 85       |                                      | Cahoy Dec. Ex. 78 | 137.57              | Sealed                               | Public                    |
| 86       |                                      | Cahoy Dec. Ex. 79 | 137.58              | Sealed                               | Public                    |
| 87       |                                      | Cahoy Dec. Ex. 80 | 137.59              | Sealed                               | Public                    |
| 88       |                                      | Cahoy Dec. Ex. 81 | 137.60              | Sealed                               | Redacted                  |
| 89       |                                      | Cahoy Dec. Ex. 84 | 137.63              | Yes                                  | Public                    |
| 90       |                                      | Cahoy Dec. Ex. 85 | 137.64              | Redacted                             | Redacted                  |
| 91       |                                      | Cahoy Dec. Ex. 86 | 137.65              | Yes                                  | Public                    |
| 92       |                                      | Cahoy Dec. Ex. 89 | 137.68              | Yes                                  | Redacted                  |
| 93       |                                      | Cahoy Dec. Ex. 90 | 137.69              | Redacted                             | Redacted                  |
| 94       |                                      | Cahoy Dec. Ex. 94 | 137.71              | Yes                                  | Public                    |
| 95       |                                      | Cahoy Dec. Ex. 95 | 137.72              | Redacted                             | Redacted                  |
| 96       | Phillips Daubert Reply - ECF No. 165 |                   | 165                 | Redacted                             | Public                    |

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|----------|---------------------------------------|-------------|---------------------|--------------------------------------|---------------------------|
| 97       |                                       | Exhibit 17  | 165.2               | Redacted                             | Public                    |
| 98       | Humphrey Daubert Reply - ECF No. 166  |             | 166                 | Redacted                             | Redacted                  |
| 99       | Bero Daubert Reply - ECF No. 172      |             | 172                 | Redacted                             | Redacted                  |
| 100      | Summary Judgement Reply - ECF No. 177 |             | 177                 | Redacted                             | Public                    |
| 101      |                                       | Exhibit 97  | 177.3               | Sealed                               | Public                    |
| 102      |                                       | Exhibit 104 | 177.8               | Sealed                               | Public                    |

Dated: May 17, 2024

By: s/Kathryn E. Cahoy  
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**CERTIFICATE OF SERVICE**

On May 17, 2024, I caused a copy of the Defendant's Notice of Re-Filing Materials Subject to the Court's Omnibus Sealing Order to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order of September 29, 2008.

Dated: May 17, 2024

By: s/Kathryn E. Cahoy  
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